IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 4451 of 1993

Between:
V.Sudarshan, S/o. Venkataramanaiah, aged 32 years,
Photo Artist in S.V. Institute of Medical Science, Tirupati,
R/o. Tirupati, Chittoor District.

.....
PETITIONER

AND

1.The Registrar, Sri Venkateswara University, Tirupati.
2.The Dean, School of Humanities and Extension Studies,
S.V. University, Tirupati.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any order or orders, direction or writ preferably one in the nature of writ of Mandamus , directing the 1st respondent Registrar to declare the probation of the petitioner, confirm his services as Photo Artist in the Department of Population Studies, S.V. University College, Tirupati and Keep his lien of services as such.

Counsel for the Petitioner: MR.K.VENKATA RAMI REDDY.

Counsel for the Respondents: STANDING COUNSEL FOR S.V.UNIVERSITY

The Court made the following:

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ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the first respondent to declare the probation of the petitioner, confirm his services as Photo Artist in the department of Population Studies, Sri Venkateswara University, Tirupati, and keep his lien of services.

3. It is the contention of the petitioner that he was appointed on temporary basis as Photo Artist in the department of Population Studies in Sri Venkateswara University, Tirupati. It appears that after completion of three years of service, the petitioner sought lien but the same was being postponed by the respondents on the ground that two writ petitions in W.P.Nos.6275 of 1989 and 13220 of 1989 were pending before this Court. It further appears that those two writ petitions were filed challenging the very selection process of the Photo Artists in which the petitioner

was selected. Upon filing of such writ petitions, this Court granted interim directions to declare the results of the selection, but, however, it was made clear that such declaration of selection and the appointments made thereafter would be subject to the result of the said two writ petitions.

4. A counter-affidavit had been filed by the respondents stating *inter alia* that if the request of the petitioner as sought for is accepted, it amounts to contempt of Court since two writ petitions challenging the selection process were pending before this Court and there was no decision yet made by this Court. It is further stated that the respondents suggested the petitioner to resign the post of Photo Artist held by him in the said University in order to enable him to join in the post of Photo Artist in Sri Venkateswara Medical Sciences, Tirupati.

5. In fact, the said advice was only in the interest of the petitioner instead of prolonging the grievance of the petitioner. It was only a suggestion but not a mandate issued by the University and it was for the petitioner to oblige the said suggestion or not.

6. But, as rightly pointed out by the respondents in the counter-affidavit, since two writ petitions challenging the selection process were filed and pending before this Court, the request made by the petitioner cannot be considered in view of the interim directions granted by this Court.

7. For the foregoing reasons, this Court cannot find fault with the alleged action of the respondents insofar as the relief sought for by the petitioner.

8. At this stage, it is brought to the notice of this Court that the said two writ petitions in W.P.Nos.6275 of 1989 and 13220 of 1989, which were filed challenging the selection process in which the petitioner was selected, were dismissed by this Court by orders, dated 06-02-2002 respectively. The events subsequent to the dismissal of the said two writ petitions are not forthcoming.

9. Hence, suffice it to dispose of the present writ petition with the following directions:

"The respondents shall consider and examine the case of the petitioner pursuant to the dismissal of W.P.Nos.6275 of 1989 and 13220 of 1989, dated 06-02-2002 respectively, in accordance with law, as expeditiously as possible.

10. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

D.S.R.VARMA, J

10TH SEPTEMBER 2004
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To
1.The Registrar, Sri Venkateswara University, Tirupati.
2.The Dean, School of Humanities and Extension Studies, S.V. University, Tirupati.
3.Two C.D. Copies.